

INFORMATION LETTER

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October 19, 1940

NEW REGULATIONS ON EXECUTIVES

Principal Change Embodies Separate Definition for "Administrative" Employees Earning \$200

The exemption for executive, administrative, and professional employees under the wage and hour law was broadened considerably this week when the Wage and Hour Division issued revised regulations defining the so-called "white collar workers" who are entitled to these exemptions. Not only do the new definitions of "administrative and executive" workers eliminate some of the restrictive provisions of the old definitions, but an entirely new class of exempt employees called "administrative" employees is established to cover employees who are paid \$200 or more and whose work falls within one of several broad groups.

The revised regulations were issued under Section 13(a)(1) of the Act, which exempts from *both* the wage and the hour provisions employees employed in a "bona fide executive, administrative, professional, or local retailing capacity . . . (as such terms are defined or delimited by regulations of the administrator)." They are the result of a series of hearings held by the administration last spring and summer at which representatives of various industries and of labor were afforded an opportunity to point out difficulties that had arisen in practice under the definitions contained in the Administrator's old regulations.

Previous Difficulties

The old regulations covering "executive and administrative" employees had no requirement of a minimum monthly salary, but sought precisely to define occupations that might be exempt. Much of the difficulty under these regulations has arisen from the requirements that an employee, in order to be exempt as an "executive" or "administrative" employee, must have been engaged in supervising the work of others, and that he did not perform any substantial amount of work of the type performed by non-executive employees. These requirements served to prevent the exemption of a substantial number of employees.

For example, cannerys frequently employ office workers who perform important administrative functions and duties, but who do not actually engage in directing or supervising the work of others. Such employees were not exempt under the old regulations. Similarly, there are other employees, such as foremen, who do direct the work of others, but whose exemption was in many instances denied because they occasionally assisted the employees under their direction in the performance of their work. Where the foreman helped with the work in this fashion, there was always the possibility that his exemption might be questioned on the grounds that "a substantial" part of his work was non-exempt in character.

New Regulations Require Specific Salaries

In the new regulations, the classification of "executive" and "administrative" employees has been divided to cover

a separate regulation for each group. The provisions controlling the exemption of "executive", "administrative" (the new group), and "professional" employees all emphasize the requirement that a specific minimum monthly or weekly salary is paid. Where such salary is paid, the remaining provisions specify broad groups into which occupations may fall.

"Executive" Employees

In the case of "executive" employees, they must be paid on a salary basis not less than \$30 per week and the employee must be one who is in charge of at least a subdivision of the factory, has the power to hire or fire or to recommend hiring or firing, and who exercises discretionary power. The most important change has been the elimination of the term "substantial" from the requirement that an executive employee must not engage in work of the same nature as that performed by those whom he supervises. The new requirement is that the executive employee, as for example a fore-

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WORKWEEK DROPS TO 40 HOURS

Maximum Workweek Reduced on October 23 as Act Begins Third Year of Operation

The Fair Labor Standards Act begins its third year of operation at midnight October 23 when, by statutory provision, the maximum workweek is reduced to 40 hours, the final and basic workweek provided for in the law. In announcing the change in the workweek, Colonel Fleming, administrator of the Wage and Hour Division, stated "It is our opinion that the 40-hour week will apply for the first time to the first *full workweek* beginning on or after midnight, October 23, 1940. This is in accordance with the language of the Act which declares that employees shall not be worked 'for a workweek longer than 40 hours after the expiration of the second year from the effective date of the Act.' If the employee's work begins, for example, on Monday, October 21, 1940, the employer need pay time and a half only if more than 42 hours are worked in the period of seven consecutive days from Monday, October 21, through Sunday, October 27, inclusive."

If the employee's workweek begins on or after midnight, October 23, Colonel Fleming explained, the employer must pay time and a half after 40 hours are worked in the workweek beginning at such time. For employers whose regular workweek begins on Monday, Tuesday, or Wednesday, the 40-hour provision will not become effective until Monday, October 28, Tuesday, October 29, or Wednesday, October 30, respectively.

This reduction in the maximum workweek does not affect any of the exemptions from the hours provisions of the Act nor does it affect the requirement that a minimum wage of 30 cents an hour be paid all employees subject to its provisions.

NEW REGULATIONS ON EXECUTIVES

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man, must not work at tasks identical with those performed by the people he supervises for more than 20 per cent of the number of hours worked by the supervised employees.

In other words, if a foreman is supervising a department which works 40 hours a week, he may help out with the work for as much as 8 hours during the week without affecting his exemption. If he does the same work as those he supervises for more than 8 hours in such week, he would not be exempt. The complete text of the regulation is set forth below. Pursuant to it, it is believed that the executive officers of a company, and such employees as the general manager, the production manager, the plant manager, and managers or foremen of subdivisions or departments of the factory, will be exempt from both the hour and wage requirements if the minimum salary and other requirements are met.

"Administrative" Employees

The new category of "administrative" employees offers considerable relief in the case of office and other employees who perform important administrative work. In this category, it should be emphasized, a salary of \$200 a month is a prerequisite to exemption. If such salary is paid any employee who assists an executive by performing non-manual work requiring the exercise of judgment, or who performs non-manual office or field work directly related to general business operations and requiring the exercise of independent judgment, or who performs special non-manual assignments related to general business operations and requiring independent judgment, the employee may be considered exempt.

In general, it would seem that the principal controlling factors are the payment of \$200 a month, the performance of non-manual work as distinguished from physical labor, and the necessity that independent judgment be exercised. It should be noted also that such administrative employees need not be directly charged with the management of the business or engaged in supervising the work of others.

"Professional" Employees

In the case of professional employees the minimum required monthly salary is again \$200 a month and the additional requirements are that the work be predominantly intellectual, require specialized training, and that where a professional worker does work identical with that of non-professional employees such work is not carried on for more than 20 per cent of the number of hours worked by the non-professional employees. The change here is identical with that made in the case of foremen.

These same regulations likewise set forth changes in the definition of an outside salesman so as to permit salesmen who drive trucks and make deliveries and collections to be exempt.

These new regulations will become effective on October 24, 1940. The administration announced that they are not retroactive, and that whether or not a particular employee was exempt prior to that date must be decided under the definition set forth in the old regulations.

The full text of the new regulations follows:

Section 541.1—Executive

The term "employee employed in a bona fide executive * * * capacity" in section 13 (a) (1) of the Act shall mean any employee

(A) whose primary duty consists of the management of the establishment in which he is employed or of a customarily recognized department or subdivision thereof, and

(B) who customarily and regularly directs the work of other employees therein, and

(C) who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight, and

(D) who customarily and regularly exercises discretionary powers, and

(E) who is compensated for his services on a salary basis at not less than \$30 per week (exclusive of board, lodging, or other facilities), and

(F) whose hours of work of the same nature as that performed by nonexempt employees do not exceed twenty percent of the number of hours worked in the workweek by the nonexempt employees under his direction; provided that this subsection (F) shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment.

Section 541.2—Administrative

The term "employee employed in a bona fide * * * administrative * * * capacity" in section 13 (a) (1) of the Act shall mean any employee

(A) who is compensated for his services on a salary or fee basis at a rate of not less than \$200 per month (exclusive of board, lodging, or other facilities), and

(B) (1) who regularly and directly assists an employee employed in a bona fide executive or administrative capacity (as such terms are defined in these regulations), where such assistance is nonmanual in nature and requires the exercise of discretion and independent judgment; or

(2) who performs under only general supervision, responsible nonmanual office or field work, directly related to management policies or general business operations, along specialized or technical lines requiring special training, experience, or knowledge, and which requires the exercise of discretion and independent judgment; or

(3) whose work involves the execution under only general supervision of special nonmanual assignments and tasks directly related to management policies or general business operations involving the exercise of discretion and independent judgment.

Section 541.3—Professional

The term "employee employed in a bona fide * * * professional * * * capacity" in section 13 (a) (1) of the Act shall mean any employee who is

(A) engaged in work

(1) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work, and

(2) requiring the consistent exercise of discretion and judgment in its performance, and

(3) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time, and

(4) whose hours of work of the same nature as that performed by nonexempt employees do not exceed twenty percent of the hours worked in the workweek by the non-exempt employees; provided that where such nonprofessional work is an essential part of and necessarily incident to work of a professional nature, such essential and incidental work shall not be counted as nonexempt work; and

(5) (a) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes; or

(b) predominantly original and creative in character in a recognized field of artistic endeavor as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training, and the result of which depends primarily on the invention, imagination or talent of the employee, and

(B) compensated for his services on a salary or fee basis at a rate of not less than \$200 per month (exclusive of board, lodging, or other facilities); provided that this subsection (B) shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and who is actually engaged in the practice thereof.

Section 541.4—Local Retailing Capacity

The term "employee employed in a bona fide * * * local retailing capacity" in section 13 (a) (1) of the Act shall mean any employee

(A) who customarily and regularly is engaged in

(1) making retail sales the greater part of which are in intrastate commerce; or

(2) performing work immediately incidental thereto, such as the wrapping or delivery of packages, and

(B) whose hours of work of the same nature as that performed by nonexempt employees do not exceed twenty percent of the number of hours worked in the workweek by such nonexempt employees.

Section 541.5—Outside Salesman

The term "employee employed * * * in the capacity of outside salesman" in section 13 (a) (1) of the Act shall mean any employee

(A) who is employed for the purpose of and who is customarily and regularly engaged away from his employer's place or places of business in

(1) making sales within the meaning of section 3 (k) of the Act; or

(2) obtaining orders or contracts for the use of facilities for which a consideration will be paid by the client or customer, and

(B) whose hours of work of the same nature as that performed by nonexempt employees do not exceed twenty percent of the number of hours worked in the workweek by such nonexempt employees; provided that work performed incidental to and in conjunction with the employee's own outside sales or solicitations, including incidental deliveries and collections, shall not be regarded as nonexempt work.

Section 541.6—Petition for Amendment of Regulations

Any person wishing a revision of any of the terms of the foregoing regulations may submit in writing to the Administrator a petition setting forth the changes desired and the reasons for proposing them. If, upon inspection of the petition, the Administrator believes that reasonable cause for amendment of the regulations is set forth, the Administrator will either schedule a hearing with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, either in support of or in opposition to the proposed changes. In determining such future regulations, separate treatment for different industries and for different classes of employees may be given consideration.

HEARING ON RECORD-KEEPING HELD

Industry Presents Statements on Difficulties Under Present Requirements

Hardships occasioned to employers as a result of the record-keeping requirements of regulations issued by the Wage and Hour Division under the Fair Labor Standards Act were presented to the Division at a hearing held in Washington on Thursday.

Dr. Gustav Peck, assistant director of the Hearings Branch of the Division, opened the hearing with the statement that the Wage and Hour Division feels the present regulations are adequate. Regulations and the records required, he said, should make it easy for both inspectors and employers to spot violations of the Act, should be flexible, should meet the requirements of other government agencies, and should be explicit and easily understood. He said, however, that the Division was considering a regulation requiring that a record of shipment of goods and receipt of materials be kept for a period of four years.

A spokesman for the Western Pine Association brought up two problems resulting from interpretations placed on the regulations by inspectors of the Division. He requested that the regulations be changed so that weekly subtotals would not have to be made on the payroll sheets of employees who are paid twice a month or by the month, when the payroll sheets shows the hours worked each day. A number of other representatives of business asked for similar relief. This witness also asked that employers be relieved from having to place the name and address of each employee on each payroll sheet.

The presiding officer announced that the official record of the proceedings will be held open for the filing of statements and briefs until October 31.

GOVERNMENT PURCHASES

Information for Canners Who Wish to Receive Invitations to Bid

Purchases of canned foods by the departments and establishments of the Federal government are made on specifications, which are either embodied in the invitation to bid or are cited in the invitation with a statement as to where and how they may be obtained.

Most government purchases are made on the basis of specifications promulgated by the Director of Procurement, Treasury Department. Various procurement divisions have modified these specifications to meet particular and necessary requirements. The Veterans Administration, for example, may not follow the Federal specifications in buying for hospital dietary uses, nor does the Interior Department in its purchases of canned tomatoes.

All Federal specifications are listed and classified in the Federal Standards Stock Catalog. Those relating to food appear in Section IV, Part 1, which may be obtained from the Superintendent of Documents, Government Printing Office, for 10 cents. This catalog is necessary to ascertain whether any particular product has been covered by Federal specifications. Each specification is published separately and may be purchased from the Superintendent of Documents for 5 cents.

Upon receipt of a request addressed to the various procurement offices, the largest buyers of canned foods in the government, the canner will be placed on the prospective bidders list and will be mailed invitations to bid.

The Navy Department issues invitations to bid once a year for each canned item to be purchased and usually requires that samples be submitted. Inspection is also made of representative samples drawn from each delivery after receipt at the navy yard or supply depot. It is possible for contractors to arrange for inspection prior to shipment by agreeing to pay cost of inspection at shipping point. The invitations to bid are issued immediately after the packing season for each seasonal commodity.

The Veterans Administration makes annual purchases during the canning season. Usually, on large orders, an inspection is made at the cannery before delivery. Samples are seldom required. Address: A. J. Harrison, Chief of Procurement Division, Veterans Administration, Washington, D. C.

The Department of the Interior (Indian Service) issues invitations to bid in the spring and fall of each year. It does not require the submission of samples, except in the case of fruit and vegetable juices, kale, and pimientos. Address: Purchasing Officer, Department of the Interior, Washington, D. C.

The War Department purchasing system is decentralized and purchases are made through the year according to requirements. A list of the Army posts, camps, stations, and depots that maintain a file of prospective bidders may be obtained from the Office of the Quartermaster General, War Department, Washington, D. C.

The Department of Justice purchases are also decentralized. A list of the Federal penal and correctional institutions, all of which maintain files of prospective bidders, may be obtained from the Bureau of Prisons, Department of Justice, Washington, D. C.

Defense Commission Food Supply Head Speaks on Cooperation with Processing Trades

Speaking before the annual convention of the American Bakers Association at Chicago recently, George Livingston, chief of the Food Supply Section of the Agricultural Division of the National Defense Advisory Commission, outlined the cooperation needed from the processing and distributing trades in keeping food supply and distribution under proper control in event of war. Two paragraphs from his address dealing specifically with this subject are reproduced below:

"Despite the fact that our agricultural situation today is such that it would appear that we need anticipate no very serious problem, elementary prudence demands that we give attention to the question of administering the nation's food supply if the occasion should ever require it. Now, I know that there is considerable anxiety about this subject. But I think I can assure you that the plans and procedure which will be set down on paper are on a strict 'when, as and if' basis for use if, and only if, they are needed. In general, it now would seem quite improbable to expect a situation to arise which would require the extensive organization and regulation that was needed in 1917. With agricultural production so well organized through the A. A. A. program, there would seem to be ample machinery already existing to handle production problems. And with ample supplies of foodstuffs available the present distributing agencies should be able to function normally, with the assistance only of whatever supervision may be required to keep a check on speculation, unjustified price spirals and other abuses which are frequently encountered in wartime."

"We are convinced that we shall have the full cooperation of the organized processing and distributing trades in keeping food supply and distribution under proper control. And if it develops that regulation is required, we are counting upon the cooperation of those trades in administering whatever controls are deemed necessary. Key positions in any administrative organization which might be demanded by a more serious emergency than we now anticipate should be filled by men who know from experience the trade practices of the industry they seek to regulate;—or, I should prefer to say, the industries with whose cooperation they seek to carry out self-regulation."

Meeting of Wholesale Distributors Called to Discuss Problems Related to Defense Program

Miss Harriet Elliott, consumer member of the National Defense Advisory Commission, has announced that she is calling a conference of wholesale distributors to meet with her in Washington November 12, to discuss the relation of national defense and the wholesale distribution of consumer goods. The conference will also discuss the cooperation of wholesale merchants and others in the wholesale field with the work of the Consumer Division of the Commission.

Since her conference with retailers 6 weeks ago, Miss Elliott reports there have been many requests from the wholesale trades for a similar meeting. Problems of importance to civilian interests, created by the defense program in the field of wholesaling, will be explored. More than 150 dealers representing about 75 wholesale trade groups are expected to participate in the conference.

"The wholesale trades are of vital importance in maintaining a steady supply of food, clothing, and other goods necessary in everyday living," Miss Elliott said. "We are

seeking their counsel and their active cooperation in avoiding unwarranted price increases in consumer goods."

This is the third major conference of civic and business organizations called by Miss Elliott to discuss consumer problems in defense. The program for the wholesalers' meeting will be announced shortly.

Proposed Order Rejects Sodium Benzoate as Optional Ingredient for Tomato Catsup

The proposal to amend the definition and standard of identity of tomato catsup to permit addition of sodium benzoate as an optional ingredient, upon which hearings were held this summer by the Food and Drug Administration, is rejected in a proposed order, published in the *Federal Register* of October 17, by the Federal Security Agency.

The reason cited for the proposed action of rejection by the Agency is that sodium benzoate as an optional ingredient will not promote honesty and fair dealing in the interests of consumers. Announcement of the hearing on the amendment and comments on the hearing were published in the INFORMATION LETTERS for August 17 and September 21.

Interested persons whose appearances were filed at the hearing may file exceptions to this proposed order with the hearing clerk of the Federal Security Agency, room 2240, South Building, 14th St. and Independence Ave., Washington, D. C., within twenty days from the date of publication of the order in the *Federal Register*. Exceptions must point out with particularity the alleged errors in the proposed order, and must contain a specific reference to the page of the transcript of the testimony on which the exception is based.

Industries Present Dietary Food Testimony

After hearing testimony on October 14 and 15 by representatives of the food and drug industries with respect to label statements for special dietary foods, the dietary food hearings were adjourned to Monday, October 28. Permission for the recess was requested by representatives of the dairy industry so that some of their witness could prepare papers for and attend an important dairy meeting.

Representatives of industry objected to the term "purporting to be or being represented for use" in the proposed regulation, on the basis that the Food and Drug Administration has no authority to handle advertising, such material being handled by the Federal Trade Commission. Therefore these regulations would be beyond the authority of the Food and Drug Administration. It was also claimed that the evidence given should be stricken from the records because dietary foods have not been defined and evidence could not properly be given about something that had not been ascertained or defined.

The main effort of industry was directed towards showing that general-purpose foods should not be subjected to these labeling requirements even if representations were made. They contended that it was possible for the average consumer to get a nutritionally adequate diet without resorting to special dietary preparations and that manufacturers of general-purpose foods should be permitted to so inform the public.

Manufacturers of infant foods asked exemption from the labeling requirements if they put on their label such a statement as "To be used only under the direction of a physician."

Some specific changes were suggested by manufacturers of vitamin preparations, and restricted-diet foods, but no serious objections were raised to the proposed regulations as a whole by that group.

Pennsylvania Requirements for Packers' Codes

The Pennsylvania law requires that every package of food sold in that State must bear either the name and address of the manufacturer or packer, or, if the food is sold under a distributor's label, a code mark identifying the packer.

A recent communication from the Bureau of Foods and Chemistry of the State of Pennsylvania states that with particular respect to the method of placing the code marking on the package or container, this can either be embossed, stamped, perforated, or imprinted on the package or container or on the label, provided that such code marking is distinct, clear and legible and in substantial size letters and so placed as to be readily distinguishable as a code marking.

These labeling requirements of the Pennsylvania law were previously discussed in INFORMATION LETTER No. 679, December 11, 1937.

Error in Illustration of Excess-Profits Tax

In the example given on page 6346 of the INFORMATION LETTER for October 5, showing the computation of the new excess-profits tax, an error occurred through the omission of the specific exemption of \$5,000. Following is a corrected statement of the computation:

Normal-tax net income	\$100,000.
<i>Less:</i>	
Specific exemption	\$ 5,000.
Normal tax (at 22.1 per cent)	22,100.
Special defense tax (at 1.9 per cent)	1,900.
Excess-profits credit (8 per cent of \$50,000)	40,000.
Other adjustments	1,000.
	70,000.
Excess-profits subject to tax	30,000.
Tax (\$20,000 at 25 per cent, \$10,000 at 30 per cent)	\$ 8,000.

Howard C. Morgan of Michigan Dies

Funeral service was held Friday for Howard C. Morgan, president of the Crystal Canning Co. of Frankfort, Mich., and vice president of the John C. Morgan Co. of Traverse City. Mr. Morgan died Tuesday, October 15, after a short illness.

He had served as director of the National Canners Association, and had been active for many years in the affairs of the Association. He was a past president of the Michigan Canners Association.

Mr. Morgan was held in high regard for his personal qualities and for the active and effective part he has always taken in trade organization work, in both the State and National associations.

Fruits and Vegetables in Cold Storage

October 1940 Holdings of Both Frozen Fruits and Vegetables Larger than in October 1939

Stocks of all frozen and preserved fruits totalled 160,809,000 pounds on October 1, 1940, according to the monthly cold storage report of the Agricultural Marketing Service. This total figure indicates net withdrawals of 5,594,000 pounds during September. Stocks on October 1, 1939 were 142,087,000 pounds. Of the total quantity reported, 34,543,000 pounds were unclassified by variety.

Stocks of frozen vegetables were reported as 81,107,000 pounds on October 1, 1940, an apparent net increase during September of 2,729,000 pounds. The increases were noted for lima and snap beans, sweet corn, and miscellaneous items, while all other varieties were decreased. Stocks of vegetables on October 1, 1939, totalled 78,260,000 pounds.

The following table, compiled by the Agricultural Marketing Service, gives figures on stocks by varieties:

Commodity	Oct. 1, 1939	Sept. 1, 1940	Oct. 1, 1940
	1,000 pounds	1,000 pounds	1,000 pounds
FROZEN FRUITS			
Blackberries.....	8,592	8,689	9,630
Blueberries.....	2,866	2,437	3,914
Cherries.....	28,317	29,813	27,404
Logan and similar berries.....	3,520	3,419	3,028
Raspberries.....	10,165	15,250	14,833
Strawberries.....	44,930	54,990	50,433
Other fruits.....	17,452	15,050	17,024
Classification not reported.....	26,245	36,755	34,543
Total.....	142,087	166,403	160,809
FROZEN VEGETABLES			
Asparagus.....	6,305	7,087	6,655
Beans, lima.....	18,306	9,564	11,235
Beans, snap.....	7,218	6,387	7,456
Broccoli, green.....	1,236	914	899
Corn, sweet.....	7,640	4,943	5,064
Peas, green.....	28,207	39,254	37,750
Spinach.....	2,586	3,816	3,679
Other vegetables.....	2,270	2,565	2,738
Classification not reported.....	4,423	3,848	4,731
Total.....	78,260	78,378	81,107

F.T.C. Issues Complaint Against Another Broker

Violation of the brokerage provision of the Robinson-Patman Act is alleged in a Federal Trade Commission complaint issued against William E. and Francis S. Silver, trading as William Silver & Co., Aberdeen, Md. The allegations are similar to those made against other food brokers, and reported in the September 7 issue of the INFORMATION LETTER, page 6314.

The respondents, according to the complaint, are engaged in the business of field brokers, and while so engaged act as agents of the sellers in transactions of sale and purchase of canned fruits and vegetables between sellers thereof and jobbers, wholesalers, retail chain stores, and other purchasers.

Hearings on Flour and Oleomargarine Standards

Hearings will reconvene on November 12 with respect to proposed definitions and standards of identity for flour and similar products. Hearings on a definition for oleomargarine will be held November 18.

Stocks and Shipments of Pitted Red Cherries

Stocks of pitted red cherries in canners' hands on October 1, 1940, totaled considerably more than stocks a year earlier, according to statistics compiled by the Association's Division of Statistics. In the following table are shown stocks and shipments for certain periods of the two years:

	1939-40		1940-41	
	No. 2's Cases	No. 10's Cases	No. 2's Cases	No. 10's Cases
Stocks October 1.....	672,514	425,840	1,148,151	686,694
Shipments for September.....		Not available	158,423	132,753
Shipments July 1 to October 1.....	1,346,174	685,454	842,387	581,286

The table below shows by regions the figures on the October 1, 1940, stocks:

	24/2's		6/10's		Misc.	Total
	Cases	Cases	Cases	Cases	Cases	Cases
New York and Pennsylvania:						
Stocks: sold not shipped.....	68,106		60,021		11,067	130,794
Stocks: unsold.....	96,641		35,242		8,944	140,827
Stocks: total.....	164,747		95,863		20,011	280,621
Shipments for September.....	17,224		30,181		8,874	56,279
Michigan, Wisconsin and Ohio:						
Stocks: sold not shipped.....	346,691		159,747		14,784	521,222
Stocks: unsold.....	582,966		273,445		20,364	882,775
Stocks: total.....	929,657		433,102		41,148	1,403,997
Shipments for September.....	139,504		95,270		5,251	240,025
Western States:						
Stocks: sold not shipped.....	23,612		55,103		26,624	105,429
Stocks: unsold.....	30,135		102,446		16,567	149,148
Stocks: total.....	53,747		157,039		43,191	254,577
Shipments for September.....	1,695		7,302		15,781	24,778
Total United States:						
Stocks: sold not shipped.....	438,409		275,561		52,475	766,445
Stocks: unsold.....	709,742		411,133		51,875	1,172,750
Stocks: total.....	1,148,151		686,694		104,350	1,939,195
Shipments for September.....	158,423		132,753		29,906	321,082

Hearing on Alaska Fishery Regulations Planned

A public hearing to consider possible changes in the Alaska fishery regulations to be effective in 1941 will be held by the Fish and Wildlife Service, Department of the Interior, at the Seattle Chamber of Commerce, Seattle, Washington, at 10:00 o'clock a. m. on Monday, November 25, 1940, according to an announcement made recently by Ira N. Gabrielson, Director of the Service.

All interested persons are invited to be present to submit their views with regard to this matter. A stenographic transcript will be made of the proceedings. Persons unable to attend, as well as those who are present, may submit briefs or written communications bearing on the subject for consideration by the Department. Any such items, however, should be postmarked not later than December 1.

N.C.A. to Exhibit Publications at Dietetic Meeting

The Association's Home Economics Division will exhibit its educational publications at the annual meeting of the American Dietetic Association to be held at the Pennsylvania Hotel in New York City the week of October 20th. Miss Ruth Atwater will have charge of the exhibit. The new Service Kitchen leaflet "School Lunch Recipes with Canned Foods" will be featured.

The American Dietetic Association has carried on a school lunch project this last year especially directed to schools having minimum equipment. The leaflet "School Lunch Recipes with Canned Foods" is suited to this type of project.

Fruit and Vegetable Market Competition

Carlot Shipments as Reported to the Agricultural Marketing Service by Common Carriers

Carlot shipments of green peas, miscellaneous vegetables, and miscellaneous fruits were larger during the week ending October 12, 1940, than during the corresponding week of 1939, according to statistics of the Agricultural Marketing Service. Figures for the season's total up to October 12 show that carlot shipments this year have been consistently smaller than during 1939.

The following table, compiled from statistics of the Agricultural Marketing Service, gives detailed comparisons of carlot shipments on certain dates of selected vegetables and fruits:

VEGETABLES	Week ending—			Season total to—	
	Oct. 12, 1939	Oct. 12, 1940	Oct. 5, 1940	Oct. 12, 1939	Oct. 12, 1940
Beans, snap and lima.....	155	69	19	6,915	4,230
Tomatoes.....	556	411	577	26,203	19,915
Green peas.....	50	62	79	6,888	5,669
Spinach.....	12	3	0	6,447	5,932
Others:					
Domestic, competing directly.....	581	688	756	28,660	26,668
Imports competing indirectly.....	80	52	63	488	285
<hr/>					
FRUITS					
Citrus, domestic.....	1,778	1,052	1,841	78,812	57,731
Imports.....	10	35	19	155	299
Others, domestic.....	4,349	4,567	726	62,901	62,759

1940 British Columbia Salmon Pack

The British Columbia salmon pack up to October 5, 1940 totalled 1,145,553 cases (48 pounds), as compared with 1,313,926 cases packed up to October 7, 1939, and 1,549,881 cases packed up to October 3, 1935, according to a report issued by the Supervisor of Fisheries at Vancouver.

The following table shows comparison of the packs in four recent years by species. The pack figures are converted to 48-pound cases.

Species	To	To	To	To
	Oct. 5, 1940	Oct. 7, 1939	Oct. 3, 1936	Oct. 5, 1935
Red or sockeye.....	357,279	261,778	406,226	347,650
Chinook or king.....	16,586	15,156	23,321	20,324
Chum or keta.....	360,296	198,344	303,908	306,058
Humpback or pink.....	213,269	612,229	585,189	505,598
Silver or coho.....	198,123	226,419	231,237	191,644
Total.....	1,145,553	1,313,926	1,549,881	1,371,283

Cheese Distributors Ordered to Cease Price Control

Five corporations purchasing for resale approximately 75 per cent of the Swiss and Limburger cheese produced in Wisconsin have been ordered by the Federal Trade Commission to cease and desist from an agreement or combination to fix and maintain the price paid the producers for such cheese.

The Commission's order, according to the press announcement, "directs that the respondents, in connection with the purchase of Swiss or Limburger cheese sold and offered for sale by the producers or manufacturers thereof, cease and desist from fixing or maintaining, or attempting to fix and maintain, pursuant to agreement, understanding or combination, the prices offered to be paid, or paid, for such cheese."

Sweet Corn Hybrids

Descriptions of commercial hybrids tested and adapted to Iowa conditions are contained in a recent publication, Bulletin P15 (new series), just issued by the Iowa State College at Ames. It has been established definitely that good hybrid sweet corn strains will yield more than open-pollinated varieties. Quality of the canned product should determine mainly the selection of a hybrid for canning, since several hybrids are adapted to any canning area in the State. Most of the strains of hybrid seed tested that were sold to Iowa canners for 1939 planting were satisfactory.

The following hybrids are described and their behavior in Iowa and elsewhere summarized: Aristogold Bantam, Igold, Ioana, Igold A, Iglen, Tendergold, Minhybrid 202, Golden Cross, Indigold, Purgold, Early Bancross P39, Seneca "60", Kingscroft E-5, Kingscroft J-9, Soo-Bred Bantam, Igent, Igent 12, Illinois 8 x 6, Silver Cross Bantam No. 1, and Silver Cross Bantam 52-B. Copies of this publication, "Sweet Corn Hybrids," may be obtained upon request directed to the Association's Raw Products Bureau.

Growing Blue Lake Beans

The methods practiced in Oregon in connection with the production of the Blue Lake bean are described in detail in a recent article appearing in "Farm Research," published by the New York Agricultural Experiment Station at Geneva. Most of the 2,000 acres of Blue Lakes in Oregon are grown on the fertile river bottom soils of the Willamette Valley. The average yield in the State is 6.3 tons per acre. The construction and use of trellises for support of the vines is described. Production and harvesting costs are estimated to be slightly under \$40 per ton. Copies of the issue of "Farm Research" containing the article may be obtained upon request directed to the Association's Raw Products Bureau.

Germany to Absorb Italian Canned Tomatoes

The American consulate general at Naples reports that it is thought generally that the Italian production of canned tomato products, which would normally go to Great Britain and the British Dominions, will be absorbed this year by the German demand. The tomato crop of Italy this year is about the same as it was in 1939. The production of tomato sauce and double concentrate will be, reportedly, about 20 per cent greater than last year, and the peeled tomatoes canned will be about the same as in 1939.

Marketing School for Florida Citrus Growers

Schools in five Florida cities have been planned for citrus growers of that State this winter by the State Agricultural Extension Service and Florida Citrus Growers, Inc. Schools are scheduled to be held in Vero Beach, Orlando, Bartow, Leesburg, and Tampa. Subjects in the courses will include production and outlook of citrus, market uses, distribution, cost of services for handling, prices, marketing agreements, the food stamp plan, and advertising.

Defense Program Activities Include Child Nutrition—N. C. A. School Lunch Leaflet Used

The Consumer Advisor on the Council of National Defense has urged that the nutrition of children be carefully considered in connection with the defense program because adequate nutrition is one of the important factors in building strong future citizens. The W. P. A., the Red Cross, and the Department of Labor through its nutrition section of the National Youth Administration, as well as the Extension Service dietitians throughout the country, are among the social agencies advocating better school lunches for children.

Many new lunchroom projects have sprung up over the country as a result of this intensified interest in child nutrition. Many of them have very little equipment and the publication of "School Lunch Recipes with Canned Foods," developed in the Service Kitchen of the Association, was planned to meet this need. The leaflet has been sent to all the groups mentioned, as well as to many others. The requests that have come in for additional copies have indicated that this leaflet is fitting into these programs in all parts of the country.

Spanish Orange Crop Estimated at 10 Million Boxes

Spain's 1940-41 orange crop, currently estimated at 10,000,000 boxes, is slightly under last year's total production, according to the commercial attache at Madrid. Under ordinary circumstances, approximately 50 per cent of Spanish orange exports are consigned to the United Kingdom. A further 20 per cent ordinarily is disposed of in France, and the balance of the crop usually is exported to the Netherlands, Belgium, and the Scandinavian countries.

In view of the scarcity of tonnage operating from Spain to what might be designated as normal markets for the orange crop, it is seriously doubted whether even a small proportion of the new crop can be successfully marketed overseas. It is likely that a fair portion will reach the United Kingdom, but at the present time the possibilities for sales in France, the Netherlands, Belgium, and the Scandinavian countries are extremely unfavorable.

National Retail Grocers' Week Opens October 21

National Retail Grocers' Week will open October 21 and continue until October 26. Grocers, wholesalers, manufacturers, retailers, and other interested organizations are cooperating in the fifth annual celebration of this trade event.

Opening on the same date is the Canned Pea Carnival. This promotion of canned peas will continue through November 15.

Survey of Wartime Ocean Freight Rates Issued

The Department of Commerce has published a new booklet containing a world-wide survey of wartime control of ocean freight rates in foreign trade. The publication, entitled *Wartime Control of Ocean Freight Rates*, is for sale by the Superintendent of Documents, Government Printing Office, Washington, D. C., at 10 cents per copy.

Stocks and Shipments of Canned Peas

Total stocks of canned peas in canners' hands on October 1, 1940, amounted to about 2,500,000 cases more than on October 1, 1939, according to figures compiled by the Association's Division of Statistics. Shipments during September of the two years amounted to almost the same, but shipments during the four months, June to October, were almost 2,000,000 cases more in 1940 than in 1939.

The following table shows total stocks and shipments by varieties:

	Alaskas Cases	Sweets Cases	Total Cases
Stocks:			
October 1, 1939.....	4,269,545	10,333,946	14,623,491
October 1, 1940.....	6,053,723	11,033,194	17,086,917
Shipments during September:			
1939.....	794,702	1,848,511	2,643,213
1940.....	1,710,925	935,066	2,645,991
Shipments June 1 to October 1:			
1939.....	3,749,354	5,379,751	9,129,105
1940.....	5,128,509	5,791,221	10,919,730

President Signs Sugar Legislation

The President this week signed the Cummings bill to extend the sugar control law for another year and restoring import restrictions on refined sugar from Hawaii and Puerto Rico.

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